

REMARKS

Claims 1, 11 and 24 have been amended. Claims 3-6, 12, 16-18, 20-23 and 26 have been cancelled, and claims 10, 19 and 25 were previously canceled. No new matter has been added. Claims 1-2, 7-9, 11, 13-15 and 24 are pending.

The Examiner will note that a different practitioner is filing this response. It is hoped that the Examiner will also note a sincere effort to move this case to allowance. In this regard, amendments have been made with the aim of eliminating issues and addressing the Examiner's concerns.

In preparing the amendments, the undersigned observed that the Examiner had rejected all pending claims as anticipated, *except for claim 3*. Thus, claims 1 and 24 were amended to incorporate the subject matter of claim 3, and claim 3 was canceled. With this as a basis, further amendments were made to address the Examiner's concerns about the form of the independent claims. This is discussed further below.

Despite the considerable narrowing of the claims, it is believed that subject matter is disclosed in the specification and claimable, and may be pursued in a continuation in the future. If this is done, the undersigned expects that narrow, definite claims will be presented. In this regard, the undersigned expresses appreciation at the high quality of the Examiner's search.

Claim Objections

The Examiner objected to claims 16-18 and 20-23 as being a substantial duplicate of other claims. This objection is respectfully traversed, and is now moot in view of the cancellation of claims 16-18 and 20-23.

Claim Rejections - 35 USC § 112

The Examiner rejected claims 1-9, 11-18, 20-24 and 26 under 35 USC § 112, first paragraph as failing to comply with the written description requirement. The Examiner stated, "The specification fails to provide the requisite description to practice the very broad and generic

monitoring method.” This rejection is respectfully traversed. It is respectfully noted that claims 1 and 24, as now amended, are significantly narrower and more defined than before.

As a further basis for rejection under 35 USC § 112, first paragraph, the Examiner pointed to the limitation “not diagnosing” as not disclosed in the specification. That phrase has been deleted from the claims. Withdrawal of the § 112, ¶ 1 rejection is therefore requested.

The Examiner rejected claims 1-9, 11-18, 20-24 and 26 under 35 USC § 112, second paragraph as indefinite. This rejection is respectfully traversed. The Examiner indicated that the claims used improper *Markush* wording. The *Markush* wording in the claims has been changed. Specifically, “comprising” has been replaced with “consisting of”. It is respectfully submitted that the claims are now more definite (and more narrow) than before. Withdrawal of the § 112, ¶ 2 rejection is therefore requested.

Claim Rejections - 35 USC § 102

The Examiner rejected claims 1, 2, 4-9, 11-18, 20-24 and 26 under 35 USC § 102(b)&(e) as anticipated by various references. This rejection is respectfully traversed. As explained above, claim 3 was not rejected under § 102. Thus, the limitations of claim 3 have been added into independent claims 1 and 24, and all other independent claims have been cancelled. Accordingly, all claims now appear to define over the prior art of record. Withdrawal of the § 102 rejection is therefore requested.

Conclusion

It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

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In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned registered practitioner to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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